

Children's Scrutiny Committee

Special Guardianship Task Group

June 2019

1. Recommendations

1.1 The Task Group asks the Children's Scrutiny Committee and Cabinet to endorse and action the recommendations below, as part of the Council's review of special guardianship support. The Task Group requests that an update on the progress of the recommendations should be brought back to the Children's Scrutiny Committee in six to nine months' time.

	Ambition	Specific Recommendations
1.	Impartial and consistent advice and support for prospective special guardians before and during the assessment process	<p>1.1 Joined up working across children's social work and assessment teams to ensure that consistent advice is provided to families around special guardianship, including access to legal advice</p> <p>1.2 Improved signposting to independent and impartial advice through charities such as Grandparents Plus</p>
2.	All special guardians to have access to history of the child they care for, and to their support plan	<p>2.1 All special guardians to be provided with a summary report of the child's history as soon as the special guardianship order is made (where the child is known to Devon Children's Services)</p> <p>2.2 All special guardians to be provided with a copy of the child's support plan as soon as the plan is finalised</p>
3.	A fair and equitable financial assessment and support policy and special guardianship allowances structure	<p>Review current financial assessment and support policy, and subject to securing appropriate funding:</p> <ul style="list-style-type: none"> • consider how a preventative approach can be taken to providing financial support to more special guardianship families in need • bring special guardianship allowances in line with the new foster carer allowances scheme, which is based on the needs of the child
4.	A comprehensive package of ongoing support which enables special guardians to provide the best care and support possible for children	<p>4.1 Bespoke introductory training, which mirrors the initial training undertaken by foster carers and adoptive parents to be made available to all special guardians</p> <p>4.2 Ongoing access to a programme of training including therapeutic parenting, for all special guardians</p> <p>4.3 Creation of permanent social work and business support roles and increased family practitioner resource within the SGO support team, subject to a review of current capacity within the team and appropriate funding being secured</p> <p>4.4 Introduce special guardian support groups in other parts of the county, supported and led by newly trained peer guides, and improve overall attendance levels at support groups</p> <p>4.5 Where a support plan is in place, all special guardians to be offered a support plan review on an annual basis, to coincide with the financial reassessment where applicable</p>

5.	Special guardians and parents to have access to the support and advice they need to adjust to changed family arrangements	<p>5.1 Where appropriate, parents to have access to counselling to support them to manage the loss of their child</p> <p>5.2 Special guardians to be supported to manage contact issues with parents through training and support groups</p> <p>5.3 Subject to increased capacity outlined in recommendation 4.3, the SGO support team to provide parental contact risk assessments, and to support special guardians to make informed decisions around contact</p>
6.	Special guardianship families to be supported to access alternative respite options which provide positive experiences for children and special guardians	<p>Review, with a view to improving, current respite and alternative options for SGO families to include:</p> <ul style="list-style-type: none"> • supporting and enabling informal ‘respite’ networks • improved signposting to appropriate universal and early help services which can provide day ‘respite’ • increased access to family based support trips and activities • increased provision of group trips and activities for older children and young people
7.	Improved support for children and young people living with special guardians, by improving access to mental health services, transition to independence and celebrating their achievements	<p>7.1 ‘Fast-track’ access to CAMHS assessment for all children with an SGO</p> <p>7.2 Subject to securing appropriate funding, the SGO support team to provide therapeutic support to SGO children who are not previously looked after</p> <p>7.3 Cabinet to lobby the Department for Education on the vital need for the continuation of the Adoption Support Fund after 2020, and to widen the scope of the fund to be accessible to all children with an SGO, rather than only those who were previously looked after</p> <p>7.4 The achievement of young people living with special guardians to be recognised through an annual celebration event</p> <p>7.5 To explore options to improve support for SGO young people during their transition to independence, including access to Personal Advisors and Pathway Planning</p>
8.	Government and district council policy to recognise and reflect the unique position and needs of special guardians and children in respect of legal aid, housing benefits, child tax credits and universal credit	<p>8.1 Cabinet to lobby the Department for Education over speeding up the provision of legal aid for special guardians, and to provide specific exemptions for special guardians for the over-occupancy penalty and the ‘two child’ rule</p> <p>8.2 The Cabinet Member for Children’s Services to write to district councils urging them to use their discretion to ensure that special guardianship families are not penalised through the under-occupancy penalty or ‘two-child’ rule in respect of child tax credits</p>
9.	Improve multi-agency knowledge and understanding of special guardianship and the needs of the children they care for	Development of ‘guide to special guardianship’ targeted at schools, GPs, hospitals, housing authorities and relevant charities such as Age UK, to raise awareness of special guardianship and the potential needs of children and families, supported by a targeted social media campaign

2. Background and Scope

2.1 In October 2017, Members welcomed four 'special guardians' to their Corporate Parenting Forum to hear their very personal journeys to becoming a special guardian, and the challenges they continue to face on day to day basis to provide the best care and support possible for the children in their care.

2.2 Having a strong desire to explore and understand this area further, the Children's Scrutiny Committee undertook a Masterclass in March 2018, to better understand the role of Special Guardianship Orders and the advice and support the local authority currently provides to special guardians and children in Devon.

2.3 At their March meeting the Committee established a Task Group to look in more depth at some of these issues. The Task Group agreed that its scope would be to examine:

- the sufficiency of the financial, practical and emotional support provided by the local authority to special guardians and children;
- the impact of issues such as access to legal aid and the application of the under-occupancy penalty on special guardians and children;
- parity on these issues when compared with adoptive parents and foster carers.

3. Kinship Care and Special Guardianship

3.1 A 'kinship carer' is a family member or friend who takes on the care and support of a child, when the child's parents are unable to do so. This usually means that the child is living with the family member or friend on a full-time basis, either temporarily or permanently.

3.2 The reasons for kinship care are varied. The charity Grandparents Plus estimates that around 52% of kinship care arrangements are as a result of parental drug or alcohol misuse, but other circumstances include bereavement, imprisonment, parental abuse or neglect and parental ill health¹. There are several different forms that kinship care can take.

Informal Kinship Care

3.3 Kinship care can be an informal arrangement between the parents and a family member or friend. The local authority is not usually involved in the arrangement and parental responsibility remains with the child's parents.

Kinship Foster Care

3.4 Kinship foster care is a formal arrangement where the local authority places a child in their care with a family member or friend. The carer must be assessed and approved as a foster carer and will be required to undertake training, keep records and will be entitled to receive a fostering allowance, paid at the same rate as other foster carers. Because the child is 'looked after' by the local authority, the local authority retains parental responsibility. In some cases, a family member or friend may become a kinship foster carer as an interim measure, while more long-term arrangements are made.

¹ <https://www.grandparentsplus.org.uk/what-is-kinship-care>

Special Guardianship Orders

3.5 A Special Guardianship Order (SGO) is a legal order made by the court which appoints one or more carers to be a child's 'special guardian'. Under the order the special guardian takes on parental responsibility for the child in all but a few areas.

3.6 Local authorities are required to provide support services for special guardians, including financial support, following an assessment of need.

3.7 SGOs were originally intended to provide permanence and support better outcomes for older children living in foster care, but today they are more commonly used for younger children and babies, who may otherwise be adopted outside of the birth family. In Devon, as of September 2018, there were 436 children aged 0-17 year with an SGO. Over 40% of these children were aged 2 years or under when the SGO was made, where as less than 5% were teenagers.

Who are special guardians?

3.8 In Devon, around 66% of special guardians are the grandparents of the child and around 20% are other family members or close friends of the family. They have usually taken on the care of the child for the sole reason that the child's parent is unable to do so and this is often unplanned and unexpected. They may have already raised their own children, or have their own young children or other caring responsibilities.

3.9 The remaining 14% of special guardians are foster carers, who apply to become a special guardian to provide greater stability and permanence for the child or young person involved, as well as to recognise the close family relationship which has been established, usually over a number of years, taking on parental responsibility from the local authority.

3.10 Many of the issues outlined in this report will be relevant to all types of special guardians, although some such as managing contact with parents and training, tend to be more pertinent to grandparents and other family or friend carers.

Comparisons with adoptive families and foster care

3.11 One of the key areas for this review was to consider the parity of support available to special guardians, adoptive parents and foster carers, and the children they care for. It is important to recognise that these three families situations are in many ways quite different from each other, and that carers will have different needs and expectations of support. It is also important to remember that children living with a special guardian, like adopted children, are not in the care of the local authority, and therefore we should also expect the local authority to take a different role in supporting these families.

3.12 However, it is also crucial to remember that the children special guardians care for will often have had very similar experiences to children in care and adopted children and will have many of the same needs. Many of these children will have experienced some form of trauma and as a result they are likely to have additional needs and / or display challenging behaviour. Therefore, it is equally important that the needs of special guardians and the children they care for are met sufficiently.

4. Hearing the voice of Special Guardians

4.1 Throughout this review, the Task Group has heard from a range of witnesses, but there has been a particular focus on understanding the experiences of special guardians and hearing their views. The voice of the special guardian has been reflected throughout this report, but some of the key experiences and needs expressed by special guardians are represented on the next page.

Special Guardians have told us...

This is our experience...

We have to fight hard for every bit of financial support we get

Working, even part time, just isn't possible

Our family practitioner is great and gives us excellent support

We felt under scrutiny by social services and not supported, and received contradictory advice

We try to support each other with 'respite' but some children are very challenging to care for and it's not always possible

Managing my own feelings and emotions during the assessment process was extremely difficult

I didn't have enough information about available legal support or advice, or how to access it

I have never seen a support plan

Many families are at breaking point and feel isolated

This is what we need...

A small amount of respite once a month would make a huge difference

Other agencies need to have a better understanding of SGOs

We need the same access to trauma informed care training as foster carers

Our children need more support with emotional and mental health issues

We need financial support – it's a huge financial commitment we hadn't planned for

I need help managing contact – it is often hard to know what is best for the child

I would like to see that children with special guardians are treated the same way as any other child in need

There has to be more support for the welfare of carers

5. Advice and Assessment

Taking on the care of a child

5.1 When family members or friends first take on the care of a child it can be at very short notice, following a crisis situation. At this stage, the child and family may already have a social worker working with them, and the child's social worker will carry out a viability assessment (prior to the formal assessment process) to assess the carer's ability to look after the child in the short term and their suitability for further assessment. Alternatively, the child may be living elsewhere, and a family member or friend may be being considered as a possible alternative to the child coming into care and/or being placed for adoption.

5.2 Special guardians have told us that the overriding reason that they became a special guardian was their love for the child and the desire for them to remain within the family, rather than being adopted or taken into care. Family members and friends can feel an immense amount of pressure at this time to make a decision about taking on the care of the child on a long-term basis, and it is important that the local authority supports them to make an informed decision.

Assessment process and outcome

5.3 Local authorities are required to assess the suitability of prospective special guardians and provide a report and recommendation to the court. In Devon the majority of these assessments are undertaken by social workers in the Family & Friends Assessment Team. The assessing social worker will meet with the prospective special guardians over a number of weeks and undertake an in-depth investigation and assessment of their ability to meet the child's needs until they reach adulthood. This includes medical and health checks, enhanced police and local authority searches and obtaining references, as well as discussing the financial implications of taking on the child, approaches to parenting and relationships with other family members, including any other children in the home. Social workers need to approach the assessment with an open mind and recommendations will be based on what is best for the child in the short and long term.

5.4 The social worker's report will make a recommendation to the court which will recommend that one of the following decisions be made:

- that a special guardianship order be made naming the assessed family member or friend;
- that the family member or friend become or remain a kinship foster carer for a period of time (often where the child has more complex needs and/or the carer would benefit from accessing the wider support available to foster carers);
- that the family member or friend is unable to meet the child's needs, in the short or long term, and that alternative arrangements should be found for the child's care.

Court timescales

5.5 The law requires that the local authority's assessment be completed within 16 weeks, with a possible extension to 24 weeks. However, where there are pending care proceedings, the court has the power to require that an assessment be completed in as little as 6 weeks. Meeting this deadline is often extremely challenging for the local authority, but is also leaves a very short amount of time for the potential special guardian to adjust to their new responsibility. Special guardians have told us that this is a very difficult and emotional time for them and everyone involved. They are often having to manage complex and changing relationships with the child's parents, and that court timescales can bring additional pressure. The court process itself can also be intimidating and quite overwhelming.

Advice and support

5.6 The support and advice available to prospective special guardians prior to assessment can be variable, and families are sometimes given contrasting advice from different social workers. The local authority will provide some initial legal advice to prospective special guardians, and will in some cases provide financial assistance with legal fees, but the advice given on accessing this support is inconsistent. Special guardians report a lack of both practical and emotional guidance and support at this stage of the process.

5.7 During the assessment process itself, the assessing social worker will provide information and advice to the potential special guardian. During the first meeting the social worker will provide an information pack containing information about what it means to be a special guardian, FAQs and contact information. The social worker also explains the assessment process and is able to offer advice and guidance on other potential options including becoming a kinship foster carer, for either the short or medium term.

Recommendation 1

Ambition	Specific Recommendations
1. Impartial and consistent advice and support for prospective special guardians before and during the assessment process	1.1 Joined up working across children’s social work and assessment teams to ensure that consistent advice is provided to families around special guardianship, including access to legal advice 1.2 Improved signposting to independent and impartial advice through charities such as Grandparents Plus

6. Access to records and support plans

Child’s records and history

6.1 Some special guardians have told us that when they first took on care of their child, they were given very little information about the child’s history, including information about past trauma, which has impacted on their ability to care for the child. Although many special guardians as family members will have some knowledge and understanding of the child’s history, this should not be assumed. There are clear challenges around confidentiality and data protection, and family sensitivities which all need to be considered. However, in the same way that adopters and foster carers receive information about the child’s history to enable them to provide informed and appropriate care, special guardians too need to have this understanding.

Support Plans

6.2 Dependant on their needs, many children living with special guardians will have a support plan in place which will outline how the local authority will support the special guardian to meet the needs of the child. Support plans should be developed and agreed between the social worker and the special guardian. Some special guardians have told us that they have never been given a copy of the final support plan, or that it was very difficult to get hold of. It is vital that special guardians are provided with a copy of the support plan from the beginning, without having to request this.

Recommendation 2

Ambition	Specific Recommendations
All special guardians to have access to history of the child they care for, and to their support plan	2.1 All special guardians to be provided with a summary report of the child's history as soon as the special guardianship order is made (where the child is known to Devon Children's Services) 2.2 All special guardians to be provided with a copy of the child's support plan as soon as the plan is finalised

7. Financial support and allowances

The Regulations

7.1 The Special Guardianship Regulations 2005² state that financial assistance is payable where it is necessary to facilitate arrangements for a person to become the special guardian of the child, and / or where it is necessary to support the continuation of these arrangements, after the order is made. It is on this basis that the local authority may provide support with legal fees and may also provide one off payments for the purchase of necessary items such as a bed for the child or a car seat, as well as a means tested special guardianship allowance.

7.2 The Regulations require that local authorities must carry out an assessment of need (including financial support) where the child is or has previously been looked after by the local authority, but there is no requirement for the local authority to carry out an assessment where the child has not been looked after. This Regulations also require that this assessment takes into account the special guardian's financial resources and the child's needs, through a means test.

Accessing financial support

7.3 Although not required to do so by the Regulations, most local authorities will provide an assessment of need upon request, regardless of looked after status (particularly where it is considered that the child would have come into the care of the local authority if the special guardianship order had not been made).

7.4 However, some of the special guardians we spoke to felt they had been denied financial support or were disadvantaged because their child had never been in the care of the local authority, usually because they had taken on the care of the child to prevent this very thing from happening. Many said that accessing financial support from the local authority was very difficult and that they have had to fight hard for every bit of financial assistance they receive, and that they had to reach 'breaking point' before help was provided.

7.5 The statutory Special Guardianship Guidance³ states that a special guardianship arrangement should not fail solely on financial grounds, but it would surely be far more pragmatic for local authorities to provide financial assessment and support to these special guardianship families before a crisis point is reached.

7.6 Many of the witnesses spoken to, including special guardians themselves, felt that the current policy on financial assessment and support was far too rigid and re-active, when it should be flexible and pre-emptive. Family circumstances and needs can change quickly, and they need a system of

² <http://www.legislation.gov.uk/ukxi/2005/1109/regulation/6/made>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656593/Special_guardianship_statutory_guidance.pdf

financial assessment and support that can react to this. Frontline staff need to be given the time and flexibility to work with special guardians in a pre-emptive and pragmatic way, to find financial solutions which support special guardianship arrangements to succeed.

Allowances scheme

7.7 In Devon, the means tested special guardianship allowance has historically mirrored foster carer allowances. The allowance is agreed for two years initially and then only payable thereafter following the outcome of an annual re-assessment.

7.8 Around 70% of special guardians in Devon receive an allowance (being means tested, some will receive less than the standard fostering allowance). The foster carer allowances structure has recently been revised, and from January 2019 allowances are based around the needs of the child, rather than the experience of the foster carer. Allowances for special guardians are currently under review in light of this, but at present special guardian allowances continue to be paid in line with the previous foster carer allowances structure.

Recommendation 3

Ambition	Specific Recommendation
A fair and equitable financial assessment and support policy and special guardianship allowances structure	Review current financial assessment and support policy, and subject to securing appropriate funding: <ul style="list-style-type: none"> • consider how a preventative approach can be taken to providing financial support to more special guardianship families in need • bring special guardianship allowances in line with the new foster carer allowances scheme, which is based on the needs of the child

8. Training and ongoing support

Training

8.1 While the majority of special guardians will have parenting experience, becoming a special guardian is a very different and often overwhelming experience. The transition involves taking on a different role in the child's life (for example, changing from a 'grandparent' role to a 'parent' role). Many children have also experienced trauma, and the special guardian needs support and guidance on how to parent and care for a child with these experiences, such as therapeutic parenting methods, understanding attachment behaviours and trauma informed care. Some special guardians have told us that they felt supported by the local authority through the assessment and court process, but that this support disappeared once the order was made, being left to 'get on with it'.

8.2 In Devon, special guardians are currently able to access some of the training (including therapeutic parenting) that is available to foster carers, however this is only when spare places are available. Special guardians have also expressed that 'foster carer' training often covers issues that aren't relevant to them, such as record keeping, and therefore it would be more beneficial to have something bespoke for their situation.

8.3 Peterborough City Council, in partnership with their fostering and adoption service provider TACT, have developed a single permanency team, who support all foster carers, adopters and special guardians and as part of this have opened up their full plethora of training to all of these carers. The 2019/20 schedule includes training sessions on attachment, self-harm, County Lines, Therapeutic Crisis Intervention amongst many others. Some of these sessions are open to all carers

and others are bespoke to certain types of carers, so that their specific needs can be addressed. Peterborough have found that there at times short waiting lists for some training courses, but over all their approach to permanency training works well and carers feel supported.

8.4 Special guardian's needs are also being recognised in Devon, and work is currently being undertaken to develop introductory training new special guardians. This will go a long way to providing the support and guidance that special guardians need in those first few months. However, raising a child is a life long journey, and child's needs change as they get older, with many children and special guardians needed greater support as they reach adolescence. It is therefore important that special guardians are able to access a range of training, not only when they are new special guardians, but to have the offer of continued support and training whenever they may need it in the future.

Social work and family practitioner support

8.5 Devon's Special Guardianship support team is currently made up of 1 FTE Team Manager, a 0.5 FTE Social Worker and 3.5 FTE Family Practitioners. Special guardians also have access to the children's social work duty line and out of hours support. Until very recently, adoption social workers would complete support assessments and provide assistance to family practitioners with more complex cases, however this is no longer possible following the formation of the regional adoption agency and the transfer of adoption social workers to Adopt South West. The team's social worker is able to bridge this gap currently, but the role is at present a temporary post, as is the Team Manager position.

8.6 The small team of family practitioners provide day to day support and advice to over 400 special guardianship families across the county. They do not hold a case load but respond to requests for support as needed and as resources allow. Special guardians told us that they highly valued the support provided by their family practitioners and that they felt that they were very committed to helping families.

8.7 Family practitioners are highly skilled and experienced in supporting families and are trained in restorative practice and trauma informed care. However, their time is spread very thinly across a large county and high number of families, and their capacity to provide this one to one support to special guardians and children is very limited. The team currently has no admin support, relying on assistance from business support colleagues in other teams. A lot of family practitioner time is spent managing financial support related queries and other administrative task, much of which could be dealt with by business support colleagues, freeing up family practitioner time.

8.8 Support for special guardians varies dramatically across the country, with some local authorities providing only very basic support for families after the order is made. However some local authorities, including Essex County Council, have invested in upscaling the social work resource they provide to special guardians, recognising that these children and carers have many of the same needs as fostering and adoptive families. To support their 700+ special guardianship families, Essex's SGO support team is made up of one Team Manager, two Senior Practitioners, three Social Workers, one Mental Health Co-ordinator and four Child & Family Support Workers (similar role to Devon's Family Practitioners). This means that special guardianship families with the highest needs are able to access social work support, including specialist mental health support.

Support groups and peer support

8.9 Devon runs three support groups for special guardians across the county, based in Exeter, and in the north and the south of the county. Support groups give special guardians an opportunity to come together and access peer support, and hear from guest speakers from relevant services such as educational psychology. Family practitioners also attend these groups when they have capacity.

8.10 Special guardians who attend support groups find them a great help, but due to the vastness of the county, it is difficult for many special guardians to attend, and they must arrange their own travel and childcare if needed. Attendance at these groups can be low.

8.11 The SGO support team is currently working with special guardians to set up a Peer Guide scheme, mirroring the model used in fostering. Peer Guides would be special guardians who would undertake training and be supported to offer peer support and mentoring to other special guardians. There has been a great deal of enthusiasm from special guardians for this scheme and a number have put themselves forward to be peer guides.

Support plans

8.12 Many children who live with a special guardian will have a support plan, which will outline how the local authority will support the special guardian to meet the needs of the child. Once the support plan is put in place, it is not subject to regular review, however the special guardian can request a reassessment and this assessment could result in a revised support plan. However, children's needs can change very rapidly, and special guardians should have the opportunity to have the support they need reviewed regularly.

Recommendation 4

Ambition	Specific Recommendations
<p>A comprehensive package of ongoing support which enables special guardians to provide the best care and support possible for children</p>	<p>4.1 Bespoke introductory training, which mirrors the initial training undertaken by foster carers and adoptive parents to be made available to all special guardians</p> <p>4.2 Ongoing access to a programme of training including therapeutic parenting, for all special guardians</p> <p>4.3 Creation of permanent social work and business support roles and increased family practitioner resource within the SGO support team, subject to a review of current capacity within the team and appropriate funding being secured</p> <p>4.4 Introduce special guardian support groups in other parts of the county, supported and led by newly trained peer guides, and improve overall attendance levels at support groups</p> <p>4.5 Where a support plan is in place, all special guardians to be offered a support plan review on an annual basis, to coincide with the financial reassessment where applicable</p>

9. Relationships and contact with parents

Parental loss

9.1 Whatever the reason for a special guardianship order, whether or not the child's parents are supportive of the arrangement, in most cases the parents of the child concerned will be experiencing a range of emotions, including loss. This is an extremely complex area and each family's circumstances will be different; there may be a court ruling which disallows or limits contact between the child and the parent, or the local authority or special guardian may feel that it is best for the child if contact is limited or ceased. Even if regular contact between the parent and child does continue, there is still often a significant sense of loss. The parent themselves may also be vulnerable, or they may feel very angry at what has happened, and will need support in managing this loss and change in family arrangements.

Managing contact

9.2 For special guardians, managing relationships and contact with the parents of the child they care for is one of the most emotionally challenging and difficult issues they face. Unlike adoptive parents and foster carers, the child's parents will usually know the address of where the child is living, and we know that parents turning up on the door step and making demands to see their child are not uncommon.

9.3 For many special guardians, the parent of the child is their own son or daughter, or another very close relative, and so when the SGO is first made, they are not only trying to manage the change in relationship between the child and the parent, but also the change in or loss of the relationship they themselves have with the child's parent. For grandparents, this means putting the needs of their grandchild above the needs of their own child.

9.4 Because of the emotions and complexities involved it can also be difficult for special guardians to make objective and informed decisions about contact requests from parents, and they can be left not knowing what to do for the best.

Support

9.5 Family practitioners will support special guardians with advice and guidance where possible, but as indicated earlier in this report, there is little capacity for them to work intensively with special guardians. Support and advice from other special guardians may be found through support groups.

9.6 Special guardians and parents can make use of the Family Solution Service which offers facilitated meetings, including mediation, which can support families to resolve conflict and find positive solutions. For families who need support with contact, contact centres can enable children to spend time with parents, including supervised contact where necessary.

9.7 These services may go some of the way to addressing parental contact issues, but they are not suitable for all family situations. Special guardians have told us that managing contact with parents is often very fraught and emotionally challenging for everyone involved, and that not enough training or support is provided in this area.

Recommendation 5

Approach	Specific Recommendations
Special guardians and parents to have access to the support and advice they need to adjust to changed family arrangements	5.1 Where appropriate, parents to have access to counselling to support them to manage the loss of their child 5.2 Special guardians to be supported to manage contact issues with parents through training and support groups 5.3 Subject to increased capacity outlined in recommendation 4.3, the SGO support team to provide parental contact risk assessments, and to support special guardians to make informed decisions around contact

10. Respite, trips and activities

Respite

10.1 Respite services are provided to families where children have high levels of additional needs and disabilities, or sometimes in a time of crisis. Dependant on the needs of the child and the family, some respite will take the form of overnight care in a fostering or residential setting. Day respite, such as a childminder or a supported playgroup may be more suitable for some families, and respite support can also be provided in the home.

10.2 The law requires that overnight respite care must be provided by a regulated carer which equates to the child coming into the care of the authority for that period (there is an exception for disabled children). Unless a child has a high level of need and respite services are detailed in their support plan, special guardian families will not have access to regular respite and it is generally expected that they will be able to arrange their own 'respite' through their wider family network. However, special guardians tell us that this is often not possible, either due to the specific needs of the child, challenging behaviour, or because family relationships are so fractured that they do not have a wider network of support that can offer this kind of help.

10.3 Some special guardians who have made links with others through support groups do provide 'respite' and childcare to each other, but again this can be more difficult, dependant on the needs of children. For the same reasons, accessing universal services such as library groups or church/community playgroups is not always possible. The local authority could take a greater role in supporting support group networks to provide 'respite', and support accessing appropriate universal and early help services.

Trips and activities

10.4 There are a range of alternatives to traditional respite, including trips and activities which enable children and their carers to do something fun together, such as a day out to a leisure park or a short holiday. This kind of family based support is becoming more commonly used and promoted, as it avoids the separation of the child from the family which can have a negative emotional impact on the child.

10.5 Equally, activities and trips away from carers can be really beneficial for older children, helping them build confidence, learn new skills and have fun, in a safe and supported environment, as well as providing some 'respite' for special guardians, particularly during school holidays, which can be a particular intense time for families. Previous trips organised by the SGO support team include a PGL holiday, a pantomime trip and farm visits.

10.6 Feedback from young people and special guardians indicates that these trips and activities can be extremely positive and worthwhile experiences for children. The SGO support team have very limited funding to provide these kinds of activities, but have been successful in securing some charity funding, although seeking out and applying for funding opportunities can be resource intensive.

10.7 Many of the special guardians we spoke to told us that lack of access to respite is one of the biggest difficulties for them, and that again they feel that they have to be at crisis point before any help is provided. Whilst traditional overnight respite may not be appropriate for the majority of special guardian families, the local authority should be taking a greater role in providing and enabling alternative provision, by supporting informal networks, signposting and providing positive trips and activities for children and families.

Recommendation 6

Overall Ambition	Specific Recommendations
Special guardianship families to be supported to access alternative respite options which provide positive experiences for children and special guardians	Review, with a view to improving, current respite and alternative options for SGO families to include: <ul style="list-style-type: none">• supporting and enabling informal 'respite' networks• improved signposting to appropriate universal and early help services which can provide day 'respite'• increased access to family based support trips and activities• increased provision of group trips and activities for older children and young people

11. Support for children and young people

CAMHS assessment

11.1 CAMHS (Child and Adolescent Mental Health Service) in Devon is responsible for assessing and treating young people with emotional, behavioural or mental health difficulties. Waiting lists for CAMHS assessments are long, and while children living with special guardians are more likely to need the services of CAMHS than their peers in the general population, unlike children in the care of the local authority, special guardian children are not given any special priority when it comes to having their mental health needs assessed, and can be waiting many months before they are offered an appointment.

11.2 As these children have many of the same experiences and needs as children in care, it seems incredibly unfair that they do not have access to the same 'fast-track' assessment, and we are concerned about the impact of this on children's safety and on their long-term emotional health and wellbeing. There is also a considerable impact on the special guardians who are having to manage the child's needs in the meantime.

Adoption Support Fund

11.3 The Adoption Support Fund (ASF) was launched by the Department for Education in 2015 to provide therapeutic support for children of adoptive families, and was later opened up to special guardianship families, where the child has previously been looked after by the local authority. Following a recent extension, the fund is now due to come to an end in July 2020, and local authorities and families are greatly concerned about how children and young people will continue to be supported if the ASF is not continued.

11.4 In its current form, the ASF is only available to SGO children who have previously been in the care of the local authority, which means that children who went from living with their parents straight to a family or friend carer, completely miss out on accessing the vital therapeutic support that this fund provides.

Support groups for young people

11.5 Young people who live with special guardians have told us that they really value having a safe space to spend time with other young people who have had similar experiences to them. Devon County Council runs a fortnightly group in Exeter called RIO (Really I'm Ordinary) for young people who live with special guardians and who are adopted, which provides this space. Young people are able to spend time playing games and taking part in activities such as cooking, as well as sharing a meal together. Social workers and family practitioners support the group and the young people who attend build positive relationships with each other and the staff who support them.

The Exeter RIO group is the only one of its kind in Devon, and although some young people from further afield do attend, there is no longer any travel arranged for them, and in order for them to attend, staff have to drive to collect them from home, and return them again.

11.6 Children and young people growing up with special guardians are likely to face many more challenges than their peers, and may find many elements of childhood and growing up more complicated. These children and young people deserve to be celebrated for their achievements and supported to grow in confidence and thrive.

Transition to independence

11.7 Thoughts of leaving home and becoming independent can be daunting for any young person, but those who have experienced instability in their homelife may find this even more difficult to traverse. Where as young people leaving the care of the local authority are provided are supported with pathway planning and a ‘personal advisor’, there are no such provisions for children living with special guardians.

11.8 Although many special guardians will be able to provide the support that the young person needs during this time of transition, in the same way that many parents do, some special guardianship families are looking for additional support at this time, and currently find that that there is very little that the local authority will support them with. They also feel that there is lack of joined up working with district council housing services to support young people at this time.

Recommendation 7

Ambition	Specific Recommendations
Improved support for children and young people living with special guardians, by improving access to mental health services, transition to independence and celebrating their achievements	<p>7.1 ‘Fast-track’ access to CAMHS assessment for all children with an SGO</p> <p>7.2 Subject to securing appropriate funding, the SGO support team to provide therapeutic support to SGO children who are not previously looked after</p> <p>7.3 Cabinet to lobby the Department for Education on the vital need for the continuation of the Adoption Support Fund after 2020, and to widen the scope of the fund to be accessible to all children with an SGO, rather than only those who were previously looked after</p> <p>7.4 The achievement of young people living with special guardians to be recognised through an annual celebration event</p> <p>7.5 To explore options to improve support for SGO young people during their transition to independence, including access to Personal Advisors and Pathway Planning</p>

12. Legal aid, the under-occupancy penalty & the ‘two child’ rule

12.1 There are a number of matters which fall outside of the local authorities remit but which can have a significant impact on special guardians financially.

Legal aid

12.2 Legal aid is not currently available to special guardians (or prospective special guardians) and many end up having to self-fund both the SGO application and the defence of any contact issues in the future. The Legal Aid Agency has however now agreed that they will extend legal aid to special

guardians but have not indicated when this will happen. It is fantastic that the government has recognised the special situation of special guardians and their entitlement to financial aid, but special guardians need this support now, and therefore this needs to be fully expedited without delay.

The under-occupancy penalty

12.3 The under-occupancy penalty (also known as the ‘bedroom tax’) does not provide an exemption for special guardianship families, meaning that those special guardians who have their own children living with them and who receive housing benefit or universal credit may be penalised for providing a separate room for the child they have taken into their care under an SGO. Housing authorities do have the ability to provide Discretionary Housing Payments (DHP) for households where it does not seem reasonable to apply the restriction, however the DHP is primarily used as a short-term solution and it is up to the individual housing authority to make the decision at their own discretion.

12.4 While it may be appropriate for siblings of certain ages and genders to share a bedroom, it is completely understandable that a special guardian may feel that it is far more appropriate for a child from the wider family, and who may have experienced trauma and / or be displaying challenging behaviour, to have their own bedroom, and they should not be penalised financially for this.

The ‘two child’ rule

12.5 Support under child tax credits and universal credit was limited to two children from April 2017. There are however several exemptions from this rule, including one which applies to ‘children living long term with family or friends including informal caring arrangements where the child would otherwise likely be looked after by the local authority’⁴. Whilst this exemption clearly acknowledges the unique situation of kinship care, the wording makes it unclear as to whether this exemption applies to private law SGOs or to foster carers who become special guardians. It would be helpful if special guardianship was specifically referred to under this exemption.

Recommendation 8

Ambition	Specific Recommendations
Government and district council policy to recognise and reflect the unique position and needs of special guardians and children in respect of legal aid, housing benefits, child tax credits and universal credit	<p>8.1 Cabinet to lobby the Department for Education over speeding up the provision of legal aid for special guardians, and to provide specific exemptions for special guardians for the over-occupancy penalty and the ‘two child’ rule</p> <p>8.2 The Cabinet Member for Children’s Services to write to district councils urging them to use their discretion to ensure that special guardianship families are not penalised through the under-occupancy penalty or ‘two-child’ rule in respect of child tax credits</p>

13. Multi-agency awareness and understanding

13.1 Special guardianship families report that there is not a consistent level of understanding of their situation amongst the services they interact with. Some schools seem to be very aware of special guardianship and are very supportive of families and their needs, where as others have very little understanding of both the parental responsibility aspects of an SGO, and the experiences and needs of children, such as attachment disorder and associated behaviours. Schools are entitled to

⁴ https://www.entitledto.co.uk/help/Exemptions_to_2_child_limit

claim the Pupil Premium allowance for children with an SGO and concerns were raised that many schools are unaware of this, and / or are not aware that a child in their school even has an SGO.

13.2 Some special guardians have reported a lack of awareness by GPs and in the health service generally, and that they have struggled to get access to important medical records (i.e. vaccination) for the children they care for.

13.3 There is a need to raise the profile of special guardianship amongst other agencies so that they are able to provide the best possible support to special guardians and the children in their care.

Recommendation 9

Ambition	Specific Recommendations
Improve multi-agency knowledge and understanding of special guardianship and the needs of the children they care for	Development of 'guide to special guardianship' targeted at schools, GPs, hospitals, housing authorities and relevant charities such as Age UK, to raise awareness of special guardianship and the potential needs of children and families, supported by a targeted social media campaign

14. Conclusion

14.1 Special guardians play an important and unique role in the care of children across Devon. They provide a loving home for children when their parents are unable to, and they often make huge personal sacrifices and face significant challenges in doing this. Special guardianship arrangements not only provide the child with a stable family setting, but often prevent the need for the child to be looked after by the local authority, and the resources associated with this.

14.2 Most children who live with a special guardian, a foster carer or who are adopted have experienced trauma of some form and will have a number of needs associated with this. However, the support available to special guardians and the children they care for is much more limited. There are also additional complexities associated with kinship care, such as managing parental relationships which need to be considered.

14.3 SGO children are no different to adopted children and children in care, and they and their carers deserve an equity of care and support.

15. Membership

Councillors Linda Hellyer (Chair), Emma Brennan, Debo Sellis and Margaret Squires

16. Contact

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17. Sources of Evidence

Task Group Activity

The Task Group undertook a range of evidence gathering activity including:

- Special Guardianship Masterclass (20th March 2018)
- Scoping meeting with Head of Children’s Social Care (23rd July 2018)
- Workshop to hear from special guardians (28th November 2018)
- Witness interviews (27th September 2018, 28th November 2018, 11th February 2019, 6th March 2019)
- Visit to the RIO youth group (6th March 2019)
- Receipt and consideration of written testimony from special guardians
- Written evidence from Essex County Council and Peterborough City Council
- Desk research

Witnesses

The Task Group heard testimony from a number of stakeholders and witnesses and would like to express sincere thanks to the following people for their contribution and the information shared. Particular thanks is offered to the special guardians who took the time to contribute to this review through the workshop and written testimony, and to the young people from the RIO group who spent time with Members during their visit.

Darryl Freeman	Head of Children’s Social Care, Devon County Council
Kath Drescher	Senior Manager Adoption, Fostering, Atkinson and Youth Offending Service, Devon County Council (outgoing)
Andrea Morris	Senior Manager, Countywide Services, Devon County Council
12 special guardians	
Richard Porter	Interim Team Manager for Fostering and Special Guardianships, Devon County Council
Sarah Carter	Head of Permanency, Placements and Sufficiency, Essex County Council
Elizabeth Markham	Team Manager for SGO and Kinship Assessment, Essex County Council
Rachel Miller	Team Manager, Special Guardianship Support, Devon County Council
Greg Ward	Family Practitioner, Special Guardianship Support, Devon County Council
Gavin Williams	Family Practitioner, Special Guardianship Support, Devon County Council
Kath Bond	Family Practitioner, Special Guardianship Support, Devon County Council
Sonia Grute	Social Worker, Family & Friends Assessment Team, Devon County Council
Caroline Dalwood	Social Worker, Family & Friends Assessment Team, Devon County Council
Barry Miller	Social Worker, Special Guardianship Support, Devon County Council
Young people at the RIO group	

References

- ❖ Adoption and Children Act 2002
<http://www.legislation.gov.uk/ukpga/2002/38/contents>
- ❖ Adoption and Special Guardianship Leadership Board, Trends in adoption and special guardianship support and priorities for the future
<http://www.cvaa.org.uk/wp-content/uploads/2018/08/Trends-in-adoption-and-special-guardianship-support-and-priorities-for-the-future.pdf>
- ❖ Children Act 1989
<https://www.legislation.gov.uk/ukpga/1989/41/contents>
- ❖ Department for Education, Statutory guidance for local authorities on the Special Guardianship Regulations 2005
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656593/Special_guardianship_statutory_guidance.pdf
- ❖ Devon County Council Standards Committee, Customer Feedback Monitoring Report for Quarter 3 2017-2018
<https://democracy.devon.gov.uk/documents/s15028/Q3%20Customer%20Feedback%20Monitoring%20Report.pdf>
- ❖ The Fostering Network, The Mockingbird Programme
<https://www.thefosteringnetwork.org.uk/policy-practice/projects-and-programmes/mockingbird-programme>
- ❖ Grandparents Plus, Growing up in Kinship Care: Experiences as Adolescents and Outcomes in Young Adulthood
<https://www.grandparentsplus.org.uk/growing-up-in-kinship-care-experiences-as-adolescents-and-outcomes-in-young-adulthood>
- ❖ Grandparents Plus, What is kinship care?
<https://www.grandparentsplus.org.uk/what-is-kinship-care>
- ❖ Local Government and Social Care Ombudsman, Devon County Council (15 014 806)
<https://www.lgo.org.uk/decisions/children-s-care-services/friends-and-family-carers/15-014-806>
- ❖ Local Government and Social Care Ombudsman, Devon County Council (15 010 012)
<https://www.lgo.org.uk/decisions/children-s-care-services/other/15-010-012>
- ❖ Local Government and Social Care Ombudsman, Family Values: Council services to family and friends who care for others' children
<https://www.lgiu.org.uk/briefing/family-values-council-services-to-family-and-friends-who-care-for-others-children-lgo/>
- ❖ Local Government and Social Care Ombudsman, Firm Foundations: complaints about council support and advice for special guardians
<https://www.lgo.org.uk/information-centre/news/2018/may/ombudsman-challenges-councils-to-ensure-appropriate-support-provided-for-special-guardians>
- ❖ The Special Guardianship Regulations 2005
<http://www.legislation.gov.uk/uksi/2005/1109/contents/made>
- ❖ TACT Peterborough
<http://www.tactcare.org.uk/peterborough/>